

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on October 4, 2005, and the references cited therewith.

No claims are amended, and no claims are canceled or added; as a result, claims 1-63 are now pending in this application.

Restriction/Election

Restriction to one of the following inventions was required under 35 U.S.C 121:

I. Claims 1-51, drawn to an EL device, classified in class 313, subclass 503.

II. Claims 52-63, drawn to a method of making the EL device, classified in class 445, subclass 23.

Applicant provisionally elects, with traverse, to prosecute the invention of Group I, claims 1-51. The restriction requirement is traversed, at least in part, on the basis that Restriction Requirements are optional in all cases. MPEP 803. As the section further states, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.

Applicant notes that each independent claim (viz., claims 1, 40, 43, 52, 61, and 63) relates, at least in part, to producing electroluminescence through injecting holes and injecting electrons into an inorganic phosphor.

For example, independent device claim 1 in Group I recites:

an inorganic phosphor configured to produce electroluminescence from the recombination of injected holes and injected electrons;

a controllable hole injection structure in contact with the inorganic phosphor; and

a controllable electron injection structure in contact with the inorganic phosphor and separated from the controllable hole injection structure by a recombination region of the inorganic phosphor.

By comparison, independent method claim 63 in Group II recites:

A method of producing electroluminescence in an inorganic phosphor, comprising:

injecting holes into the inorganic phosphor;
injecting electrons into the inorganic phosphor;
controlling a rate of injection of the holes; and
controlling a rate of injection of the electrons.

Applicant respectfully submits that in searching for references regarding each of the independent claims in Group I and Group II, the Examiner will likely be identifying references applicable to each of the other independent claims in both groups. Therefore, a search for references to allow examination on the merits of all independent claims in the application will not create a serious burden on the Examiner.

Finally, it is respectfully submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 1st day of November, 2005.

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Respectfully Submitted,
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11/1/2005